

February 10, 2012

TO: Legislative Committee

FROM: Susan Belfry

RE: SB 694, Termination of parental rights for a person convicted of CSC 1st degree against a child

To Whom It May Concern:

I would like to outline the factors that have brought forth my quest to change the current statutes in Michigan regarding termination of parental rights of convicted sex offenders whose victims are not biological children and/or siblings.

Our current laws protect biological victims of rape by mandating DHS to terminate parental rights.

My ex-husband Craig Mellon was convicted of CSC 1st degree and was sentenced to 7-15 years in prison on 2/7/06. His victim was my niece who was living in our home at the time of the rape (under our custody), she was 14. There were charges (that were not prosecuted) against a second niece. The brother of my ex-husband, Brian Mellon, was also convicted of molesting my niece and was sentenced to prison for 2-5 years and has since paroled. I need to add that a 3rd brother, Scott Mellon, was convicted of CSC against his wife's 14 year old sister and was sentenced to a term in jail.

DHS took the position (based on current law) that because Craig did not rape his biological children, they would not pursue termination.

The Friend of the Court took the position (in writing), "Regardless of his crime he is still their father and deserves contact".

The Probate Judge in Alger County stated in court that Craig had the right to send two letters each year to the children (at my discretion) on Christmas and birthdays and refused to change this order stating, "there will be grandchildren someday that deserve to be shared between the two families and that my family and I needed to set aside our hostilities." Other than the letters there is no contact what-so-ever.

Prior to Craig being sentenced to prison, I had an active PPO on Craig for myself. The Alger County Probate Judge then added the children to the PPO after Craig was found guilty for he was stalking us from jail and then prison calling up to 20 + times a day between my work and home. He went as far to give my home phone number to another prisoner. I had to contact the prison to get this stopped at which time they blocked my number. This PPO for the children and I lasted from January 2006 through May 2006,

until my divorce was finalized and they changed this PPO from no contact with the children, to Craig being able to send two letters each year. I agreed to this (after my lawyer's persuasion) because we were immediately going to file for termination of parental rights. I did just that and was denied in Alger County because I had moved to Marquette County. I tried to terminate his rights in Marquette County immediately after the Alger County attempt. Probate Court Judge Anderegg's decision was, "although I agree and wish I could terminate, I do not have jurisdiction." I would like to add a child psychologist that we immediately began treatment with testified in court that any contact with Craig and the children would be extremely detrimental to the health, safety, and welfare of these kids. A Guardian-at-Litem also testified that he felt the children should never have contact with their father.

I have tried for 6 years to terminate the parental rights of Craig and have failed to protect my children from him, a convicted child rapist.

My children were 3 and 5 years old when their worlds were turned upside down. It took my children 2 years to be able to trust even me. They thought I was going to leave them as he did. They struggled with school, they struggled with trust, lots of anger issues, and they struggle today when the letters arrive in the mail. He threatens them now stating that he will be out soon and is coming for them (which is 100% true). He tells them that they will resume their bond. My children do not know this man. They do know exactly why he is in prison and my son is terrified that he will be forced to be with him and even worse, that his little sister Morgan will be forced to go with him and his family. My daughter is more protected (Brandon took her letter from the mailbox at Christmas time and hid it) for the last few letters I have given the kids the choice to open if they want to. Morgan does not want them. Brandon cried for hours after he read that letter at Christmas time. He reads them, and then cries and throws them away or has me return them. He is affected for days, if not weeks afterwards, EVERY Christmas and EVERY Birthday since he has been able to get them. I used to hide the letters when they came in the mail. I cannot prevent a 12 year old boy from picking up the mail.

If Craig were a foster parent and my children were foster children, they would have terminated his rights immediately. DHS would not assume the "out of site, out of mind" position that they have regarding my children, if they were foster children. There would be no letters and the courts would grant a permanent termination for the foster children. I assume DHS would also hold the position that upon release, Craig would not be able to continue fostering the children because he raped a niece and not the foster children, as they have with my children.

If I were to have a relationship and bring a convicted child rapist into my home, DHS would terminate my parental rights, but yet they are allowing and encouraging my children to have contact with this child rapist.

If I were to die tomorrow, convicted child rapist Craig Mellon and his family of rapists and pedophiles would have rights to my children. He would absolutely pursue these parental rights through his family because as the laws are now, he can.

The law as it is now is discriminative in nature. DHS and the court system have failed to protect my children. This law must be broadened to protect all children from convicted child rapists. My children deserved permanency 6 years ago. The courts have dangled my children in front of a child rapist giving him hope that upon release (which is potentially 11 months from today) he will resume his fatherly duties and he will be on my doorstep the day he gets out to do just that, unless his rights are terminated.

It is imperative that the courts are granted jurisdiction. It is imperative that our Prosecutors in Michigan have authority to pursue termination. A convicted child rapist is of the utmost danger to our children. All children.

We have recently started as a society to acknowledge the epidemic of pedophilia. We have changed the sentencing guidelines of CSC convictions regarding rape of children, and this is nothing more than logical follow through. 13 states have changed their laws regarding parental right termination for persons convicted of raping a "child".

Does it matter if a person rapes their biological child, a niece, a nephew, the child next door, their student, or their foster child? The laws as they are now recklessly de-victimize the child, abandoning their protection from convicted child rapists as long as the victim is not "related", by protecting only biological children and foster children from child rapists.